

MATTER OF PEIGNAND
In Deportation Proceedings

A-11862196

Decided by Board May 1, 1970

Since respondent, who was born out of wedlock on January 29, 1936, was never legitimated, he did not, through the naturalization of his mother in December, 1943, acquire U.S. citizenship under the Nationality Act of 1940, neither did he derive citizenship under section 321(a) of the Immigration and Nationality Act since he was over 16 years of age on December 24, 1952, the effective date of the Act.*

CHARGE:

Order: Act of 1952—Section 241(a)(11) [8 U.S.C. 1251(a)(11)]—Convicted of violation of any law or regulation relating to the illicit traffic in narcotic drugs, to wit, heroin.

ON BEHALF OF RESPONDENT:
Antonio C. Martinez, Esquire
77 Seventh Avenue
New York, New York 10011
(Brief filed)

ON BEHALF OF SERVICE:
R. A. Vielhaber
Appellate Trial Attorney

The respondent appeals the decision of the special inquiry officer who denied his motion to reopen the proceedings to give further consideration to the question of his deportability. We will dismiss the appeal.

At the deportation hearing on September 25, 1964, the special inquiry officer found that the respondent was deportable as charged and ordered that he be deported to his native country, the Dominican Republic. He also found that respondent was not eligible for any type of discretionary relief. The appeal alleges that the respondent was not accorded due process of law at the hearing because he was not represented by counsel and also that the respondent is a United States citizen and thus is not subject to deportation.

* Reaffirmed. See 440 F.2d 757 (1971).